

ECF CASE
JUDGE ROBINSON

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the **May 6, 2006**
DELAHOYA/MAYORGA Program,
Plaintiff,

-against-

REQUEST FOR DEFAULT
Civil Action No. 07-CV-11392-SCR-GAY
HON. STEPHEN C. ROBINSON

ANA LUCIA BAQUERO and CARLOS EDUARDO
ASITIMBAY, Individually and as officers, directors,
shareholders and/or principals of EL TORERO
REST., INC. d/b/a EL TORERO RESTAURANT
a/k/a EL TORERO SPORTS BAR,

and

EL TORERO REST., INC. d/b/a EL TORERO
RESTAURANT a/k/a EL TORERO SPORTS BAR
Defendants.

TO: J. MICHAEL McMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Please enter default of the following Defendants:

ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers,
directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO
RESTAURANT a/k/a EL TORERO SPORTS BAR, and EL TORERO REST., INC. d/b/a EL
TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, pursuant to Rule 55(a) of the Federal
Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned action as fully
appears from the Court's file herein and from the attached affidavit of Julie Cohen Lonstein, Esq.

Dated: March 6, 2008
Ellenville, New York

LONSTEIN LAW OFFICE, P.C.

By: /s/ Julie Cohen Lonstein

Julie Cohen Lonstein
Bar Roll No. JL8512
Attorney for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

ECF CASE
JUDGE ROBINSON

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the **May 6, 2006**
DELAHOYA/MAYORGA Program,
Plaintiff,

-against-

AFFIDAVIT IN SUPPORT OF REQUEST FOR DEFAULT

Civil Action No. 07-CV-11392-SCR-GAY
HON. STEPHEN C. ROBINSON

ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR,

and

EL TORERO REST., INC. d/b/a EL TORERO
RESTAURANT a/k/a EL TORERO SPORTS BAR
Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for plaintiff, **J & J SPORTS PRODUCTIONS, INC.**, in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. This action was commenced pursuant to 47 U.S.C. §605, *et seq.* A copy of the Summons and Complaint was served on Defendant, ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, as set forth in the proof of service by Dean O’Hanlon ECF Documents Nos. 4 and 5 and EL

TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, as set forth in the proof of service by Jessica Miller, ECF Document number 3 .

3. The time within which any of the Defendants may answer or otherwise move with respect to the Complaint herein has expired. Defendants ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, and EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, have not answered or otherwise moved with respect to the Complaint; and the time for the Defendant(s) to do so has not been extended.

4. Said Defendant(s) are not infants or incompetents. Upon information and belief, Defendant(s) are not presently in the military service of the United States.

WHEREFORE, Plaintiff **J & J SPORTS PRODUCTIONS, INC.**, requests that the default of the defendants ANA LUCIA BAQUERO and CARLOS EDUARDO ASITIMBAY, Individually and as officers, directors, shareholders and/or principals of EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, and EL TORERO REST., INC. d/b/a EL TORERO RESTAURANT a/k/a EL TORERO SPORTS BAR, be noted and that judgment be entered in favor of plaintiff and against defendants in the manner stated herein.

Dated: March 6, 2008
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein
Bar Roll No. JL8512

Sworn to before me this 6th
day of March 2008

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

ECF CASE
JUDGE ROBINSON

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the **May 6, 2006**
DELAHOYA/MAYORGA Program,
Plaintiff,

-against-

ANA LUCIA BAQUERO and CARLOS
EDUARDO ASITIMBAY, Individually and as
officers, directors, shareholders and/or principals of
EL TORERO REST., INC. d/b/a EL TORERO
RESTAURANT a/k/a EL TORERO SPORTS BAR,

and

EL TORERO REST., INC. d/b/a EL TORERO
RESTAURANT a/k/a EL TORERO SPORTS BAR

Defendants

The undersigned certifies that on the **6th** day of March 2008 your deponent served the
following documents by regular mail:

Request for Default
Affidavit in Support of Request for Default
Clerk's Certificate

on the following:

El Torero Restaurant Inc.
151 N. Main St.
New City, NY 10956-3850

Carlos Eduardo Asitimbay
108 North Main Street
Spring Valley, NY 10977

Ana Lucia Baquero
108 North Main Street
Spring Valley, NY 10977

CERTIFICATE OF SERVICE
Civil Action No. 07-CV-11392-SCR-GAY
HON. STEPHEN C. ROBINSON

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein